

ORIGINAL

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FILED IN THE
UNITED STATES DISTRICT COURT
DISTRICT OF HAWAII

AUG 23 2004

at 3 o'clock and 35 min. M
WALTER A. Y. H. CHINN, CLERK

Attorneys for Plaintiff
UNITED STATES OF AMERICA

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF HAWAII

UNITED STATES OF AMERICA,)	MAG. NO. 04-0585
)	
Plaintiff,)	MOTION TO DETAIN DEFENDANT
)	WITHOUT BAIL
vs.)	
)	
DENNIS ALEXIO,)	
)	
Defendant.)	
)	

MOTION TO DETAIN DEFENDANT WITHOUT BAIL

The United States hereby moves to detain defendant
without bail, pursuant to 18 U.S.C. Section 3142.

1. Eligibility of Case. This defendant is eligible
for detention because the case involves (check all that apply):

- ☐ a. Offense committed on release pending
felony trial (3142(d)(1)(A)(i))*
- ☐ b. Offense committed on release pending
imposition, execution, or appeal of
sentence, conviction or completion of
sentence (3142(d)(1)(A)(ii))*
- ☐ c. Offense committed while on probation or
parole (3142(d)(1)(A)(iii))*

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- ☐ d. A citizen of a foreign country or unlawfully admitted person (3142(d)(1)(B)) *
- ☐ e. Crime of violence (3142(f)(1)(A))
- ☐ f. Maximum sentence life imprisonment or death (3142(f)(1)(B))
- ☐ g. 10+ year drug offense (3142(f)(1)(C))
- ☐ h. Felony, with two prior convictions in above categories (3142(f)(1)(D))
- ☒ i. Serious risk defendant will flee (3142(f)(2)(A))
- ☐ j. Danger to other person or community **
- ☐ k. Serious risk obstruction of justice (3142(f)(2)(B))
- ☐ l. Serious risk threat, injury, intimidation of prospective witness or juror (3142(f)(2)(B))

* requires "i" or "j" additionally

** requires "a", "b", "c", or "d" additionally

2. Reason for Detention. The court should detain defendant (check all that apply):

- ☒ a. Because there is no condition or combination of conditions of release which will reasonably assure defendant's appearance as required (3142(e))
- ☐ b. Because there is no condition or combination of conditions of release which will reasonably assure the safety of any other person and the community (3142(e))
- ☐ c. Pending notification of appropriate court or official (not more than 10 working days (3142(d))

3. Rebuttable Presumption. The United States (~~will~~/will not) invoke the rebuttable presumption against

defendant under Section 3142(e). If invoked, the presumption applies because (check all that apply):

- ☐ a. Probable cause to believe defendant committed 10+ year drug offense
- ☐ b. Probable cause to believe defendant committed an offense under 18 U.S.C. § 924(c)
- ☐ c. Previous conviction for eligible offense committed while on pretrial bond

4. Time for Detention Hearing. The United States requests that the court conduct the detention hearing:

- ☐ a. At first appearance
- ☒ b. After continuance of 3 days (not more than 3)

5. Rule 40 Cases. The United States requests that the detention hearing be held:

- ☐ a. In the District of Hawaii
- ☒ b. In the District where charges were filed

6. Other Matters.

DATED: August 23, 2004, at Honolulu, Hawaii.

EDWARD H. KUBO, JR.
United States Attorney
District of Hawaii

By Lawrence L. Tong
LAWRENCE L. TONG
Assistant U.S. Attorney